

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 168

A. TITEL

*Notawisseling houdende een verdrag tussen het Koninkrijk der Nederlanden en het Verenigd Koninkrijk betreffende de status van defensiepersoneel van het Verenigd Koninkrijk dat luchtverkenningssistentie verleent aan de marine en de kustwacht ten behoeve van de Nederlandse Antillen en Aruba;
Londen, 26 april 2005*

B. TEKST

Nr. I

Ambassade van het Koninkrijk der Nederlanden

7 April 2005

The Royal Netherlands Embassy presents its compliments to the Foreign and Commonwealth Office of the United Kingdom and has the honour to propose an agreement between the Kingdom of the Netherlands and the United Kingdom (hereinafter referred to as “the Contracting Parties”) regarding the status of military and civilian personnel of the Ministry of Defence of the United Kingdom who will be present in the Netherlands Antilles and Aruba for the purpose of providing aerial reconnaissance services with military aircraft of the Royal Air Force to the Royal Netherlands Navy and to the Coast Guard for the Netherlands Antilles and Aruba in 2005 on the following terms:

Article I

Permission for stationing of aircraft and use of facilities

For the purpose of this Agreement, the military aircraft and its supporting elements of the Royal Air Force may be stationed in the Netherlands Antilles and/or Aruba and may use their facilities under conditions to be agreed upon in an arrangement between the Ministers of Defence of the Contracting Parties.

Article II

Aircraft and aircraft overflight clearance procedures

Aircraft operated in connection with this Agreement by or for the United Kingdom are authorized to overfly, land at, and depart from airports in the Netherlands Antilles and Aruba without diplomatic clearance. Such activities shall be in accordance with agreed aviation procedures.

Article III

Applicability of Nato Sofa

Except as otherwise provided for in this Agreement, the provisions of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done at London on 19 June 1951, shall apply, *mutatis mutandis*, to the personnel of the sending State for the duration of their stay in the Netherlands Antilles and/or Aruba.

Article IV

Settlement of disputes

Any disagreements that may arise from the application or implementation of this Agreement shall be settled through consultation between the appropriate authorities of the Contracting Parties, including, as necessary, through diplomatic channels.

Article V

Territorial applicability

With regard to the Kingdom of the Netherlands, this Agreement shall apply to its territory in the Netherlands Antilles and Aruba.

Article VI

Duration

This Agreement shall remain in force for the duration of the presence of the personnel of the United Kingdom in the Netherlands Antilles and/or Aruba during the deployment of the military aircraft and its supporting elements of the Royal Air Force, or for one year, whichever is shorter. The provisions of this Agreement shall be applied, as necessary, for the purpose of resolving any claims arising there from, whether or not the Agreement itself remains in force at the time the claim is made.

If the foregoing is acceptable to the Government of the United Kingdom, the Royal Netherlands Embassy has the honour to propose that this Note and the Note in reply of the Foreign and Commonwealth Office shall constitute an Agreement between the Kingdom of the Netherlands and the United Kingdom, which shall enter into force on the date of receipt of the reply of the Foreign and Commonwealth Office. If this date is later than 5 January 2005, this Agreement will have retroactive effect as from the latter date.

The Royal Netherlands Embassy avails itself of this opportunity to renew to the Foreign and Commonwealth Office the assurances of its highest consideration.

Nr. II

Foreign and Commonwealth Office London

26 April 2005

The Foreign and Commonwealth Office presents its compliments to the Royal Netherlands Embassy and has the honour to acknowledge receipt of their Note regarding the stationing of Royal Air Force personnel and Aircraft on the Netherlands Antilles and Aruba which reads as follows:

(Zoals in Nr. I)

In reply, the Foreign and Commonwealth Office has the honour to confirm that the proposals set out in the Royal Netherlands Embassy Note are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland and have the honour to propose that their Note, and this Note in reply shall constitute an Agreement between our two Governments in this matter which shall enter into force retroactively on 5 January 2005.

The Foreign and Commonwealth Office avails itself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

D. PARLEMENT

Het in de nota's vervatte verdrag behoeft ingevolge artikel 7, onderdeel c, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de nota's vervatte verdrag zullen ingevolge het gestelde in de op één na laatste alinea van nota Nr. I en II in werking treden op 26 april 2005, met dien verstande dat het in de nota's vervatte verdrag ingevolge het in diezelfde alinea gestelde terugwerkende kracht heeft tot 5 januari 2005. Ingevolge het gestelde in artikel VI van beide nota's zal het in de nota's vervatte verdrag ten hoogste een jaar van kracht zijn.

J. VERWIJZINGEN

Titel : Verdrag tussen de Staten die partij zijn bij het Noord-Atlantisch Verdrag, nopens de rechtspositie van hun krijgsmachten;
Londen, 19 juni 1951
Tekst : *Trb.* 1951, 114
Trb. 1953, 10 (vertaling)
Laatste *Trb.* : *Trb.* 2001, 28

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het Verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *dertigste* juni 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT